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DEPARTMENT FOR AF/S, CA/VO and L/CA

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TAGS: [CMGT](#) [CVIS](#) [PREL](#) [WA](#)  
SUBJECT: NAMIBIA VISA RECIPROCITY SCHEDULE: IMMIGRATION POLICIES  
GIVE AMCITS HEADACHES

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Summary  
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¶1. Action requests - please see paras. 11 and 12.

¶2. (SBU) Although American citizens generally clear Namibian immigration without incident, Americans traveling on business sometimes find themselves caught in the middle of unclear, contradictory Namibian immigration policies. In two separate incidences recently, American contractors working on PEPFAR-related activities were stopped and initially denied entry at Windhoek's Hosea Kutako International airport for not having business visas, despite Namibian immigration rules that exempt Americans from such visas for travel of less than 90 days. In both cases, the Embassy had to assist the Americans eventually clear immigration as there are no provisions to obtain any kind of visa at ports of entry.

¶3. (SBU) Namibian immigration authorities do not consistently apply their own immigration rules. Furthermore, the rules are often confusing with regard to business and work visas. For example, Peace Corps Volunteers and most TDY contractors would require work permits if the Namibian government's (GRN) immigration policies were strictly enforced. Post requests the Department to review Namibian visa requirements and procedures with the Embassy of Namibia with a view to clarifying their regulations, and if appropriate, negotiating a revised visa reciprocity schedule. Post would also appreciate any technical assistance the USG could provide to the Ministry of Home Affairs and Immigration to help refine its immigration policies and procedures. The Ministry plans to begin a review of its structure, operational procedures, and regulations this month. End Summary.

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Who is in Charge of Visas?  
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¶4. (SBU) The Ministry of Home Affairs and Immigration (MHAI) is responsible for enforcing immigration laws in Namibia. Under MHAI immigration guidelines, Americans are not required to obtain business or tourist visas when visiting Namibia for less than 90 days. The MHAI Permanent Secretary confirmed that Americans traveling to Namibia for less than 90 days do not need a business visa or tourist visa. The Ministry of Foreign Affairs, via Namibian Embassies, is responsible for issuing visas. The Namibian Ministry of Foreign Affairs' website (<http://www.mfa.gov.na/consull.htm>) states, "Nationals from the countries listed below are not required to obtain Visas to travel to Namibia for visits shorter than three months . . ." The United States is included in the list of exempted countries. The website makes no reference to visa categories whatsoever.

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What Constitutes Business?  
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15. (SBU) According to an MHAI Inter-Office Memorandum dated August 22, 2006, a business visa is defined as: "... the visa issued to people looking for prospects to set up formal businesses in Namibia, exploration for business opportunities, business people attending meetings at subsidiaries of their parent companies, official government visits, attending conferences, corporate events (not work) and meetings for which no remuneration is received, attending short training courses (not more than 90 days), sports events, expositions, and trade fairs."

16. (SBU) The memo goes on to explain what is excluded from business visa categorization. These exclusions include: "Traders and street vendors, voluntary workers, people hired and remunerated in their countries performing work in Namibia. All persons falling under the above exclusions should apply for work and other relevant visas and permits . . ."

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What Constitutes Work?  
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17. (SBU) The MHAI interprets its regulations to mean that travelers coming to Namibia for their work -- even if for a few days -- would require a temporary work permit, which can take months to obtain. The words "work" and "remuneration" are critical to the MHAI's very narrow interpretation of who should be issued a business visa. During a meeting with ConOff, Home Affairs' Deputy Director for Aliens Control, Citizen and Passport, Mr. Allison Hishekwa, stated that if a traveler mentions that s/he will "work" in Namibia or is coming to Namibia for his/her work, that immigration officials will interpret this as meaning the person intends to work in Namibia, thus requiring at least a temporary work permit. Hishekwa stated that mentioning the word "work" will essentially raise red flags

with their immigration officials. He stressed that "remuneration" even by a traveler's home office based in the traveler's home country constitutes working in Namibia.

18. (SBU) Using various scenarios, Hishekwa explained when a business or work permit is required. For instance, a U.S. expert auditor for Deloitte and Touche, who traveled to Namibia to "work" for as little as a few days in Deloitte's office in Windhoek, would need a work permit. However, if that same auditor came to the same Windhoek office to "train" Namibians s/he would qualify for a business visa. Hishekwa further stated that USG contractors who come to Namibia to provide short term assistance to USG agencies would in fact also technically need work permits since they would be "working" in Namibia and "remunerated" in the United States.

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Current Work Arounds  
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19. (SBU) Due to incidents at the port of entry in the past, Post has instructed travelers on USG official business -- via the Electronic Country Clearance (ECC) process - to obtain a business visa prior to coming to Namibia. Anecdotal evidence suggests that this has permitted most USG-sponsored travelers to enter Namibia without incident, even though Americans are not required to obtain business visas for travel less than 90 days.

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The Way Forward?  
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110. (SBU) On April 23, Ambassador Mathieu met with Minister of Home Affairs and Immigration Rosalia Nghidinwa and Ms. Diedericks, Chief Controls Officer, to advise them of our concerns. Ms. Diedericks affirmed that Americans do not require business visas. She also acknowledged that the practices of Namibian embassy officials (who state visas are not required) and immigration officials were inconsistent. Nevertheless, she continued to suggest that USG officials and contractors obtain business visas to avoid difficulties at the port of entry. She agreed that the GRN position could have adverse consequences for the visa reciprocity schedule, and suggested that we discuss the matter with the Ministry of Foreign Affairs.

¶11. (SBU) Action requested: Post will raise the issue of adherence to the visa reciprocity schedule with the Minister of Foreign Affairs on May 20. Post also requests that the visa reciprocity issue be raised with the Embassy of Namibia to underscore the inconvenience and cost (N\$390 per visa) occasioned by American travelers on business. If the situation is not remedied, post encourages the Department to review the visa reciprocity schedule with Namibia and consider the possibility of negotiating new visa categories.

¶12. (SBU) Action requested: Home Affairs officials have told emboffs that they are revising their immigration legislation and policies. Some officials have expressed to us that they understand their current system is cumbersome. Given the expertise Consular Affairs (CA) has in dealing with business, work and other visas, post would like to know if the Department is able to provide any technical assistance to the GRN to assist with this process.